

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

WENDY GAUTHIER,

Plaintiff

v.

SUNHEALTH SPECIALTY  
SERVICES, INC. and SUNBRIDGE  
HEALTHCARE CORPORATION,

Defendants

CIVIL ACTION NO.: 05cv40119-FDS

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION IN LIMINE TO  
PRECLUDE TESTIMONY REGARDING RUMORS AND HEARSAY REGARDING  
REASONS FOR TERMINATION**

NOW COMES the Plaintiff, Wendy Gauthier, and hereby opposes the Defendants' Motion In Limine To Preclude Testimony Regarding Rumors And Hearsay Regarding Reasons For Termination.

Rule 801(c) of the Federal Rules of Evidence defines hearsay as "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." By providing testimony about what the Plaintiff was told by coworkers regarding the reasons for her termination, the Plaintiff is not attempting to prove the truth of the matters asserted and is only providing evidence as to conversations she held with coworkers regarding her termination of employment. The Plaintiff is not attempting to prove that the coworkers' statements regarding her termination reflect the actual reason for her termination. The Plaintiff has set out admissible facts pertaining to her allegations of pregnancy and handicap discrimination, harassment, and retaliatory discharge, and is clearly competent to

testify as to the matters stated with regard to what she experienced in her employment with the Defendants.

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that the Court allow the Plaintiff to testify as to conversations she held with coworkers regarding her termination of employment to the extent that such communications do not contain speculation and/or hearsay.

Respectfully submitted,

The Plaintiff  
WENDY GAUTHIER  
By Her Attorney

/s/ Michael O. Shea  
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Date: September 2, 2008

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Date: September 2, 2008

**CERTIFICATE OF SERVICE**

I, Michael O. Shea, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on September 2, 2008 and that there are no non-registered participants.

/s/ Michael O. Shea